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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/328,983

Applicant(s)

WALLGREN ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Amendment C, paper # 12, received on June 10, 2003, is acknowledged and entered. Claims 5,6,10, and 15 have been amended. Currently claims 1-22 are pending for examination.

Response to Arguments

2. Applicant's arguments (see amendment C, page 7) filed on 06/10/2003, with respect to claims 1-11 and 15-22 under 35 U.S.C. 112, first paragraph have been fully considered and are persuasive. The rejection under 35 U.S.C. 112, first paragraph of claims 1-11 and 15-22 has been withdrawn.

2.1. Applicant's arguments filed on 06/10/2003 with regards to rejection of claims 1-12 and 14-22 under 35 U.S.C. 103 (a) have been fully considered but they are not persuasive.

The Applicant remarks (see amendment pages 8- 10) that the templates in Thackston are not the same as "each vendor specific instance of the print job request object defined through a series of iterative customer submissions and vendor response" and further concludes that therefore the combination of references does not teach or suggest the " each vendor specific instance of the print job request object" is "defined

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through a series of iterative customer submissions and vendor response " as recited in independent claims 1, 5, 15 and 21.

The Examiner disagrees. Thackston discloses a system and a method allowing uses and vendors to interact via central server, which could be a web site, via communication network including Internet and WWW (see at least Fig.2 and col. 18-43) and allowing users and vendors to interact using browser application programs (see col.9, line 18-col.10, line 51) and engaging into negotiations and business transactions (see at least col.11, lines 66-col.13, line 25). Repeated responses and iterations between users and suppliers via web pages would be inherent in order to engage in said business transactions and negotiations to finalize a contract. These repeated responses and iterations between the users and suppliers via web pages correspond to "each vendor specific instance of the print job request object defined through a series of iterative customer submissions and vendor responses".

In view of the foregoing, the rejection of claims 1-22, submitted in the earlier office action on pages 3-6, is maintained.

This is a final action.

Claim Rejections - 35 USC § 103

3 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

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a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thackston, in view of Hill, and further in view of Huberman.

With regards to claims 1-12 and 14-22, Thackston teaches a computer-based method, system, a web server comprising comparing a plurality of vendor specific instances of a job request object via a Web interface, each vendor specific instance of the job request object to represent a relationship between a customer and one of a plurality of vendors to perform a job project, wherein the vendor responses being based on the customer submissions and the job request, each vendor specific instance of the job request object defined through a series of iterative customer submissions and vendor responses based upon a criteria including payment, delivery terms, etc., and comparing comprises incrementally adding constraints to each initially under-constrained vendor specific instance of the job request object to produce a sufficiently-constrained vendor specific instance of the job request object, and to allow the customer to select one of the plurality of vendors to perform the job project (see at least, col.3, line 64-col.6, line 35, col.8, lines 45-57, col.8, line45-col.13, line 25, col.15, line 28-col.16, line 4, col.17, line 34-col.25, line58, col.48, line 26-col.52, line17, FIG.2, FIG.3, "394-EC Data", FIG.4, "415-Contracts between prime contractors and suppliers Data module", FIG.6, "394-EC Data", FIG.8,"890-Stored Time Multimedia Communications Sessions Data Module", FIG.9, "988-Electronic Commerce Processing Module", FIG.10, "1004-Contracts Module", FIG.12, FIG.13, "1306 -Quasi-Real-Time Graphics Processing Module", FIG.14, "988-Electronic Commerce Processing Module", FIGs 26-28. Note: "templates" (col.13, lines 11-16, col.25, lines 25-58) correspond to request object and the changes made/negotiated/formalized during interactive communication processing with suppliers/vendors (col.24, line 28-col.25, line 25, col.8, lines 45-58) corresponds to vendor specific instances of a job request in the application. At least, col.50,

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lines 43-65, " The RFQ may include information pertaining to how many rounds of bids will be considered...", disclose series of iterative customer submissions and vendor responses.).

Applicant's disclosure (page 5, lines 1-9) teaches that his invention is applicable for a custom manufacturing project and a print job can be an example. As per the disclosure, the invention is not directed to print job only. Similarly, though Thackston's embodiment is related to an electronic commerce application for finalizing suppliers for an engineering project, he further teaches that other embodiments and uses of his invention are apparent to those having ordinary skill in the art as the same steps and system elements would be applicable for other applications. Thackston's steps and system elements can be applicable to a print job also. In the same field of e-commerce, Huberman teaches a system and method to enable ordering and negotiating a print job on an electronic network (col.2, line 54-col.7, line 31). In view of Huberman, it would be obvious to a person of an ordinary skill in the art at the time of the invention to modify Thackston to combine Huberman's feature of ordering and negotiating a print job on an electronic network. Doing so would enable the system to create an electronic marketplace and bidding system where the buyers and suppliers could interactively negotiate/formalize specifications via templates of the job as explicitly disclosed in Thackston and provide open and efficient pricing practices for ordering print jobs on electronic networks as suggested in Huberman (col.2, 54-63).

Thackston/Huberman does not disclose comparing vendor specific instances in a combined view. However, Hill explicitly teaches comparing vendor specific instances in a combined view (see at least abstract, FIG.9, FIG.13, col.8, line 53-col.10, line 29). In view of Hill, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Thackston/Huberman to combine Hill's feature of comparing vendor specific

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instances in a combined view. Doing so would enable the buyer to view two different images corresponding to two or more different vendors' quotes frames side by side and thus making comparison convenient and faster as explicitly discussed in Hill.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thackston/Huberman/Hill and further in view of Farros et al. (US Patent 5,930,810)

With regards to claim 13, Thackston/Huberman/Hill teaches a computer based vendor specific instance of an electronic print job request object as disclosed in claim 12 and analyzed above. Thackston/Huberman/Hill further teaches that characteristics like bindings, delivery schedules, colorization, text, image recognition, etc. will have different pricing structure from different vendors (see at least Huberman, col.2, lines 38-43 and col.3, lines 40-58).

Thackston/Huberman/Hill does not disclose "covers " also a characteristic along with bindings, delivery schedules, and etc. to have different pricing structure from different vendors. However, in the same field of printing, Farros teaches considering covers a characteristic to be considered for getting different pricing structure from different vendors (col.9, lines 33-47, ".....FIG. 8. A form 802 may include a number of components 804.1.....each of the components represent.....or facessuch as cover, inside, back cover...."). it would be obvious to a person of an ordinary skill in the art at the time of the invention to modify Thackston/Huberman/Hill to include "covers " also a characteristic along with bindings, delivery schedules, etc. to have different pricing structure from different vendors. Doing so would enable customer to negotiate the cost for designing and printing the cover pages (Front cover, inside Front cover, Back cover, inside back cover) as per his requirements.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patents 6,384,923 B1 to Lahey and 6,397,197 B1 to Gindlesperger disclose a computer-based system and a method to finalize agreements/orders/contracts for print-jobs via negotiation.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F (8:30-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
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YCG
August 25, 2003


Jeffrey A. Smith
Primary Examiner